

## **XI. Plan Administration**

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## **XI. Plan Administration**

### **A. Introduction**

*This chapter describes the authority of a Specific Plan, the process which will be used to consider development applications and the administrative procedures required for amendments and/or modifications to the Plan.*

*A Specific Plan is a regulatory tool that local governments use to implement their General Plan and to guide development in a localized area. While the general plan is the primary guide for growth and development throughout a community, a Specific Plan is able to focus on the unique characteristics of a specialized area by customizing the vision, land uses and development standards for that area. This specific plan has been prepared and adopted pursuant to Section 65450 et seq of the California Government Code.*



## **B. Specific Plan Adoption**

*This Specific Plan has been adopted by City Council Ordinance. Adoption of this Specific Plan followed soon after the adoption of a comprehensive General Plan update. Upon adoption, the Specific Plan implements the adopted General Plan by establishing the land uses, development standards and design guidelines for the Specific Plan Focus Areas.*

## **C. Specific Plan Administration**

### **1. Urban Core Development Permit and Design Review Requirements**

The Design Review Process for future development projects is established for the Specific Plan focus areas. Except as provided in paragraphs 3 and 4, below, development projects within the Specific Plan Focus Areas will be subject to a design review process to ensure consistency with the Specific Plan. In addition, proposed developments would also be required to adhere to existing CVMC regulations and processes for other discretionary review, such as those for conditional use permits, variances, and subdivisions, as may be applicable. (See CVMC 2.55, 19.14, and 19.54). All developments within the Specific Plan Focus Areas require submittal and approval of an Urban Core Development Permit (UCDP). The UCDP Review Process is illustrated in Figure 11.1. To be approved, a development project must:

- comply with the permitted uses and development criteria contained in Chapter VI - Land Use and Development Regulations of this Specific Plan, and other applicable regulations contained in the CVMC; and,
- be found to be consistent with the design requirements and recommendations contained in Chapter VII - Design Guidelines of this Specific Plan.

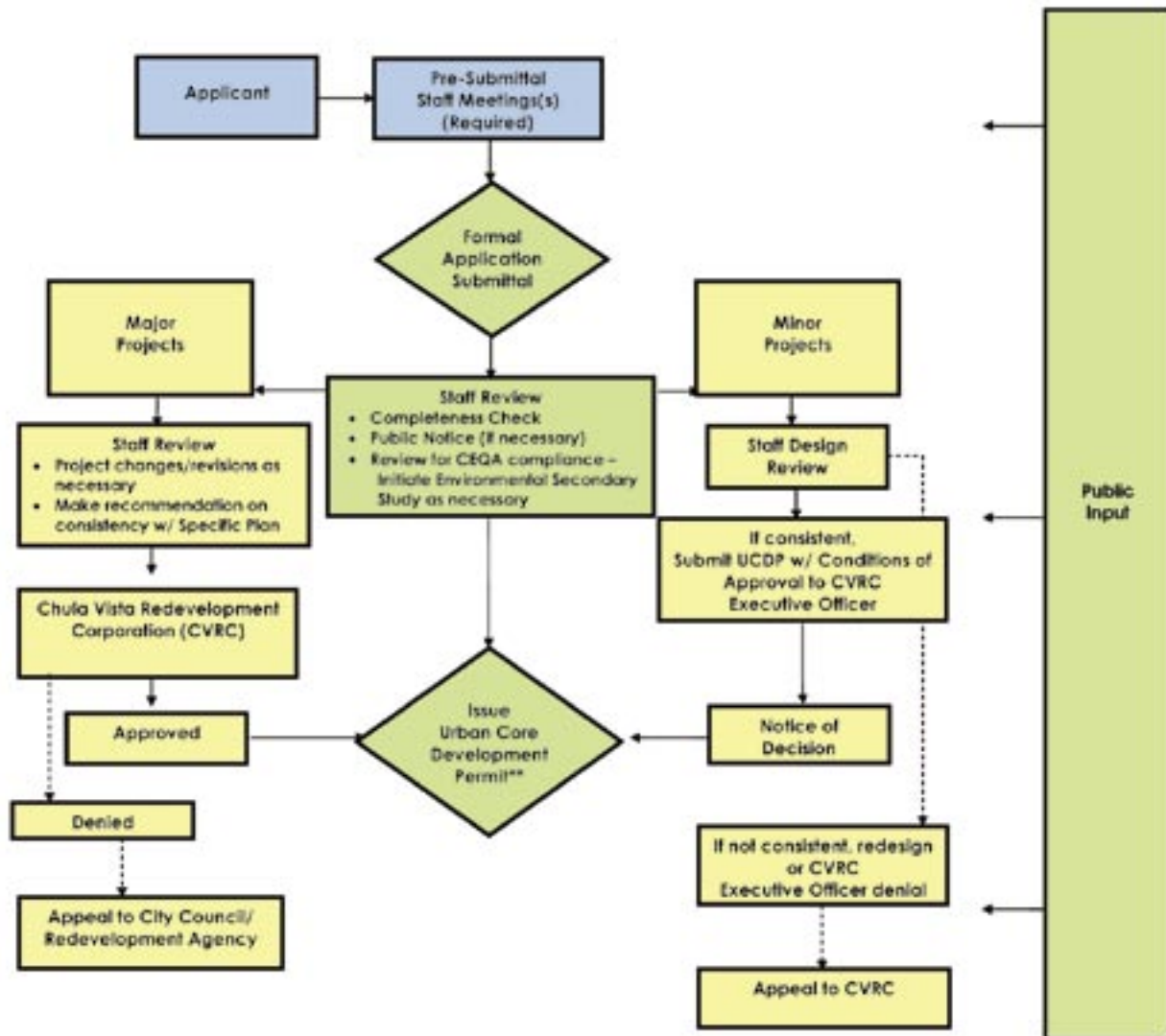
For those projects which propose buildings that exceed 84 feet in height, the further following findings will be required to be made:

- The building design reflects a unique, signature architecture and creates a positive Chula Vista landmark;
- The project provides increased amenities such as public areas, plazas, fountains, parks and paseos, extensive streetscape improvements, or other public amenities that may be enjoyed by the public at large. These amenities will be above and beyond those required as part of the standard development approval process; and,
- The overall building height and massing provides appropriate transitions to surrounding areas in accordance with the future vision for those areas, or if in a Neighborhood Transition Combining District, the adjoining neighborhood.

Except as provided in Section 3. Nonconforming Uses, Section 4. Exemptions, and Section 5. Site Specific Variance below, all projects require a pre-submittal meeting with staff to determine appropriate processing requirements and preliminary issue identification. The UCDP will be issued if it is determined that the project complies with the provisions of the Specific Plan, including the



## URBAN CORE DEVELOPMENT PERMIT DESIGN REVIEW PROCESS\*



\*Process pertains to projects in redevelopment areas only  
 \*\* If Redevelopment Agency involvement (e.g. Agreement or Funding) project obtains concurrent Agency Approval

Urban Core Development Permit Design Review Process

Fig. 11.1



development regulations, standards and design guidelines. Approval of the UCDP will include all conditions of approval ranging from design, environmental mitigation measures, public improvements, and others as may be determined upon review of the specific development project. The UCDP process will ensure an enhanced level of review for major projects, while minimizing processing for minor projects, as defined by CVMC Section 19.14.582(i).

The Specific Plan provides separate processes for design review for those developments within established Redevelopment Project Areas and for those developments located outside established Redevelopment Project Areas. Figure 11.2 illustrates the boundaries of existing Redevelopment Project Areas, which may be amended from time to time, within the Specific Plan boundaries. Projects which include site areas within both areas shall be approved using the process set forth for Redevelopment Project Areas.

#### **a. Developments Within a Redevelopment Project Area**

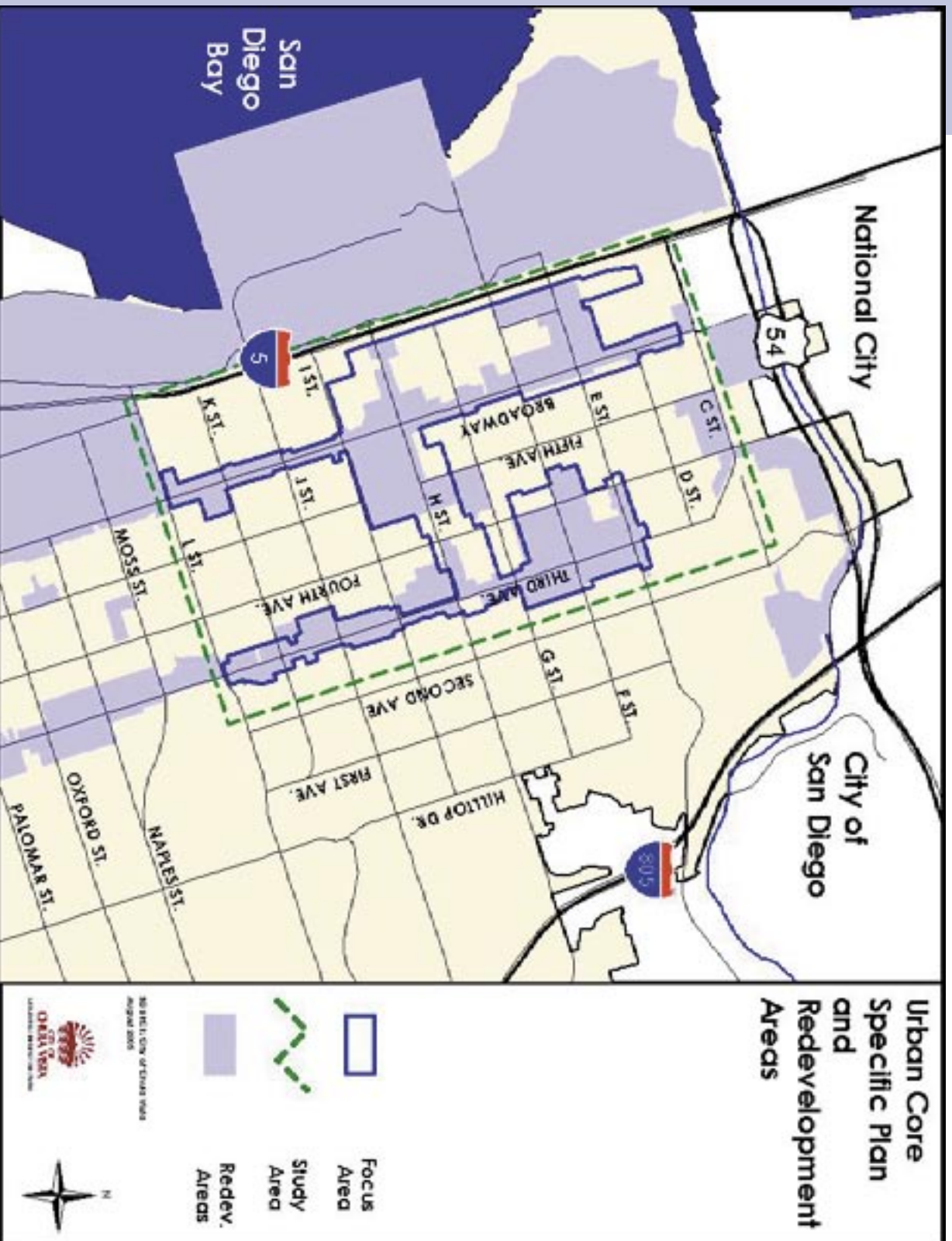
The Chula Vista Redevelopment Corporation (CVRC) has been established by the City Council to assist with implementation and oversight of infill development in the Redevelopment Project Areas within the Specific Plan, and elsewhere within the City. The CVRC holds regularly scheduled meetings to review developments and design proposals. The CVRC provides a vehicle for public participation relating to the growth and redevelopment of the Chula Vista Urban Core, and serves as a communications link between its citizens, the City Council and Redevelopment Agency. In addition, the recently established Redevelopment Advisory Committee will provide input on projects, early and often.

All developments within the Specific Plan Focus Areas that are all or in part within a Redevelopment Project Area require submittal and approval of a UCDP. The UCDP process requires review and approval by either the CVRC Executive Director or the CVRC Board. For minor projects, design review will be subject to review and approval by the Executive Director of the CVRC with the opportunity for appeal to the CVRC. Design review of other projects will be conducted by staff with recommendation to the CVRC.

#### **b. Developments Not Within a Redevelopment Project Area**

Projects within the Specific Plan area, but outside a Redevelopment Project Area, will be subject to the City's existing design review processes. Large-scale projects, as defined above, will require review by the Design Review Committee. Minor projects may be reviewed and approved by the Zoning Administrator, or his/her designee in a manner consistent with CVMC Section 19.14.





Urban Core Specific Plan and Redevelopment Areas

Fig. 11.2



### **c. Other Discretionary Approvals**

*The provisions of the Zoning Ordinance relative to other discretionary permits or actions (e.g. Tentative Map, Conditional Use Permits) shall be applied as required based on individual development projects.*

## **2. Permitted Land Uses**

*Permitted land uses within the Specific Plan Focus Areas are identified in the Land Use Matrix found in Figures 6.2-6.6 of Chapter VI – Land Use and Development Regulations. The Community Development Director or his/her designee may determine in writing that a proposed use is similar and compatible to a listed use and may be allowed upon making one or more of the following findings:*

- The characteristics of and activities associated with the proposed use is similar to one or more of the allowed uses and will not involve substantially greater intensity than the uses listed for that District;*
- The proposed use will be consistent with the purpose and vision of the applicable District;*
- The proposed use will be otherwise consistent with the intent of the Specific Plan;*
- The proposed use will be compatible with the other uses listed for the applicable District.*

*The Community Development Director or his/her designee may refer the question of whether a proposed use is allowable directly to the CVRC or Planning Commission on a determination at a public hearing. A determination of the Community Development Director or his/her designee, CVRC or Planning Commission may be appealed in compliance with the procedure set forth in the CVMC.*



### **3. Nonconforming Uses**

*Existing uses that are not listed in the allowable land uses table or determined to be permitted pursuant to the findings and procedure above are declared nonconforming uses. Refer to the CVMC Chapter 19.64 – Nonconforming Uses for definitions and policies managing nonconforming uses such as:*

- *Continuances (continuing operation of nonconforming uses)*
- *Changing uses*
- *Terminations of nonconforming uses*

*A one time extension of up to six months, according to the provisions of CVMC Chapter 19.64.070A, may be granted by the CVRC or Planning Commission, as applicable, where undue economic hardship is demonstrated.*

*Standards contained within the Specific Plan are mandatory requirements that must be satisfied for all new projects and building renovations except where CVMC nonconforming regulations (Chapter 19.64) provide exemptions or allowances.*

### **4. Exemptions**

*Exemptions to Specific Plan requirements include minor modifications to existing structures such as painting, maintenance or repair, re-roof, modifications that increase the total building area by 200 square feet or less (within a 2-year period) as well as other exceptions and modifications described in Chapter 19.16 of the CVMC.*

### **5. Site Specific Variance**

*Standards contained within the Specific Plan are mandatory requirements that must be satisfied for all new projects and building renovations except where CVMC Variance regulations (Chapter 19.14.140 – 19.14.270) provide for a variation from the strict application of the regulations of a particular subdistrict.*



## **D. Specific Plan Amendment**

Over time, various sections of the Specific Plan may need to be revised, as economic conditions or City needs dictate. The policies presented in the Specific Plan contain some degree of flexibility, but any Specific Plan amendments must be judged by relatively fixed criteria. The California Government Code (§ 65453) clearly states that a Specific Plan “may be amended as often as deemed necessary by the legislative body.” Amendments to this Plan may be initiated by a developer, any individual property owner, by the CVRC or by the City, in accordance with any terms and conditions imposed during the original approval or in accordance with any terms and conditions pertaining to Chula Vista Municipal Code. The Community Development Director or his/her designee is responsible for making the determination of whether an amendment to the Specific Plan text or maps is needed. Amendment procedures are described below.

- *Proposals to amend the Specific Plan must be accompanied by detailed information to document the change required. This information should include revised Specific Plan text (or excerpt thereof) and revised land use diagram or map amendment, where relevant, depicting the amendment requested.*
- *The City has conducted a comprehensive analysis and invested a significant amount of time and money in the preparation of the Specific Plan, therefore, any proposals to amend the Specific Plan must document the need for such changes. The City and/or applicant should indicate the economic, social, or technical issues that generate the need to amend the Specific Plan. Costs incurred for the amendments shall be the responsibility of the party requesting the amendment.*
- *The City and/or applicant must provide an analysis of the amendment’s impacts relative to the adopted Environmental Impact Report. Depending on the nature of the amendment, supplemental environmental analysis may be necessary. The need for such additional analysis shall be determined by the City of Chula Vista in accordance with the California Environmental Quality Act (CEQA Guidelines § 15162).*

### **1. Major Amendments**

The Community Development Director, or his/her designee shall within 10 days of any submittal of a request to amend this Plan, determine whether the amendment is “minor” (administrative) or “major”. Major amendments (described below) require an advisory recommendation by the CVRC and Planning Commission and approval by the City Council. If the amendment is determined to be minor, the Community Development Director, or his/her designee, may

approve or deny the application. Minor amendments must be determined by the Community Development Director to be in substantial conformance with the provisions of the Specific Plan and do not include any changes described below for major amendments. Any decision of the Community Development Director, or his/her designee, may be appealed to the CVRC and Planning Commission and/or City Council, provided said appeal is initiated within 10 working days of receipt by the applicant of written notice of the decision of the Community Development Director, or his/her designee.

Examples of “major” amendments include:

- The introduction of a new land use designation not contemplated in the Specific Plan, as may be amended from time to time.
- Changes in the designation of land uses affecting two acres or more from that shown in the Specific Plan, as may be amended from time to time.
- Changes to the circulation system or other community facility which would materially affect a planning concept detailed in the Specific Plan, as may be amended from time to time.
- Changes or additions to the design guidelines which materially alter the stated intent of the Specific Plan, as may be amended from time to time.
- Any change which would result in new significant, direct adverse environmental impacts not previously considered in the EIR.

## **2. Necessary Findings**

The Community Development Director, or his/her designee will review the request for Specific Plan Amendment and all submitted supporting material and develop a recommendation on the Specific Plan Amendment for consideration by the CVRC, Planning Commission and City Council. The Community Development Director, or his/her designee may also request further clarification and submittal of additional supporting information, if necessary. The consideration of any proposed amendment to the Specific Plan shall require that the following findings be made:

- Changes have occurred in the community since the approval of the original Specific Plan which warrant approving the proposed amendment.
- The proposed amendment is consistent with the General Plan for the City of Chula Vista.
- The proposed amendment will result in a benefit to the area within the Specific Plan.

- *The proposed amendment will not result in significant unmitigated impacts to adjacent properties.*
- *The proposed amendment will enable the deliver of services and public facilities to the population within the Specific Plan area.*



## **E. Five Year Review**

*Conducting periodic reviews of the Specific Plan is important to ensure proper functioning and implementation over time. A five-year review will offer an opportunity to make sure the Specific Plan is on track, check in on the implementation process to ensure that the goals and objectives are being achieved and make changes in case they are not. Over the life of the Specific Plan, the changing landscape of the Urban Core may impact the effectiveness of implementing actions. Thus, a five-year review cycle allows for adjustments to the plan to be made as necessary.*

*Items of particular importance to consider are:*

- Review the total amount of development against the thresholds established in this Specific Plan*
- Evaluate the need for planned improvements based on development patterns and programs in the CIP*
- Review the various Incentives Programs to evaluate if these elements are providing the intended results*

*A Five-Year Progress Report will be prepared and may be included as part of Budget Cycle or Strategic Plan Updates.*